



wisconsin department of
children + families

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Governor Scott Walker

Secretary Eloise Anderson

Division of Early Care and Education

Bureau of Early Care Regulation

October 28, 2011

To: Certified Child Care Operators
Family Child Care Licensees
Group Child Care Licensees
Day Camp Licensees

BECR MEMO 2011-06

From: Jill D. Chase, Director
Bureau of Early Care Regulation

RE: 2011 Wisconsin Act 35
Concealed Weapons in Regulated Child Care Settings

On July 8, 2011, Governor Walker signed Wisconsin Act 35 into law. This act is also known as the Concealed Carry law. The law takes effect on November 1, 2011 and permits a person to be licensed to carry a concealed handgun. The law sets conditions for when and where a person may carry a concealed weapon in Wisconsin.

The child care certification and licensing regulations address the presence of firearms and ammunition on the premises of a child care program. These rules remain in effect and apply to all regulated child care programs. The Department of Children and Families recommends that programs alert parents and others who may visit the child care program of the rules related to weapons and the need to keep all weapons inaccessible to the children.

For your reference we have listed the current regulations that apply to all certified and licensed child care programs below.

DCF 202.08 (2) (c) 3. and (cm) address the presence of guns and firearms in a certified family child care program as follows:

- DCF 202.08 (2) (c) 3. The home shall be free of hazards, including any recalled products. Items that shall be kept inaccessible to children include, but are not limited to, the following: Guns, ammunition, knives, scissors, and sharp objects.
- DCF 202.08 (2) (cm) Fire arms and ammunition materials shall be stored in separate, locked areas that are inaccessible to children.

DCF 202.09 (4) (b) 2. addresses the presence of weapons in a certified school age program as follows:

- DCF 22.09 (4) (B) 2. The indoor area shall be free of hazards, and items that may be harmful to children such as medications, drugs, poisons, insecticides, weapons, matches, cigarette lighters and flammable liquids shall be kept out of reach of children.

DCF 250.06 (2) (b) addresses the presence of firearms and ammunition in a licensed family child care center as follows:

- DCF 250.06 (2) (b) Firearms, ammunition or other potentially dangerous items located on the premises shall be kept in locked storage and may not be accessible to children.

DCF 251.06 (2) (c) addresses the presence of firearms and ammunition in a licensed group child care center as follows:

- DCF 251.06 (2) (c) Firearms, ammunition and other potentially dangerous items may not be kept on the premises.

DCF 252.44 (9) addresses the presence and use of firearms and archery equipment in a licensed day camp.

- DCF 252.44 (9) FIREARMS AND ARCHERY. Firearms and archery equipment may not be used by children under 7 years of age. When firearms and archery equipment are used by children over age 7, the following precautions shall be observed:
 - (a) The archery or shooting range may be used only under the supervision of a trained adult instructor.
 - (b) Other program activities shall be in an area away from the designated archery or shooting range. The range shall be fenced in with rope or wire and marked with danger signs or flags.
 - (c) Firearms, ammunition, and archery equipment shall be stored under lock and key when not in use.
 - (d) Children shall be closely supervised to ensure that all firearms, ammunition and archery equipment is used in a safe manner and to ensure that all unused ammunition is returned to the instructor.

The Department of Children and Families recommends that programs include information in parent and staff policies and/or handbooks about the regulations related to weapons on the premises of a child care program.

The Department of Justice has developed a frequently asked questions document that may provide guidance to child care programs with questions about posting and other concerns. The frequently asked questions document on the concealed carry law may be found at the Department of Justice's website at www.doj.state.wi.us. Programs may also wish to consult with an attorney if there are additional questions.

For more information about certification regulations, contact your certifier. For more information about licensing rules contact your licensing specialist.

For more information on the Concealed Carry law, contact the Department of Justice 608-266-1221 or Wisconsin Department of Justice, P.O. Box 7857, Madison, WI 53707-7857, Fax 608-267-2779.